

REMARKS

Claims 3-10 are all the claims pending in the application. This Amendment amends claims 3 and 5, adds claims 7-10, cancels claims 1 and 2, and addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

Applicant thanks the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. § 119, and noting that the priority documents have been received.

Applicant calls the Examiner's attention to the Information Disclosure Statement filed herewith. Applicant respectfully requests an initialed copy of the Form PTO/SB/08 A&B to confirm that the Examiner has considered the listed documents.

Claims 1 and 2, which were rejected under 35 U.S.C. § 102(b), have been cancelled.

Applicants appreciate the indication that claims 3 and 4 would be allowed if rewritten in independent form, and have amended claim 3 accordingly. Claim 4 depends from claim 3.

Claims 5 and 6 were rejected under 35 U.S.C. § 103(a). Applicant has amended claim 5 to depend from claim 3. Claim 6 depends from claim 5.

As claim 3 is indicated as allowable, and claims 4-6 now depend from claim 3, Applicant submits that claims 3-6 are in condition for immediate allowance.


Additionally, Applicant adds new claims 7-10. No new matter is added. Among other things, independent claim 7 recites "a means for maintaining the induced light incident on said photoelectric reading means at a substantially uniform level regardless of a scanning position of said optical head..." Applicant submits that the structure of Hueton does not satisfy, or otherwise suggest, means for performing this function. Entry and consideration of claims 7-10 are respectfully requested.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/654,169

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



David A. Klein
Registration No. 46,835

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 1, 2003